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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,240	11/29/2000	Kevin Lauren Cote	600.1113	9605

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EXAMINER

DICKENS, CHARLENE

ART UNIT PAPER NUMBER

2855

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,240

Applicant(s)

Cote

Examiner

Dickens

Group Art Unit

2855

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 11/29/08
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-13 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-13 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 6, 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Herzhoff et al. Herzhoff et al. teaches a web tension measurement device comprising: a roller 2 for contacting a web 4 of material, the roller having an axis of rotation, the axis being moveable in a first direction (Fig. 3) by the web or the roller can be stationary (col. 2, line 49); a counteracting device (1, 7), having a shaft, connected to the roller, the counteracting device for forcing the roller in a second direction opposite the first direction; and a controller 16, i.e., motor (col. 3, lines 41-47), connected to the counteracting device for measuring the web tension; lever arms 5; pivot shaft 6 mechanically linked to the counteracting device. The steps in the claimed method of claims 10-12 are deemed to be clearly anticipated by the functions of the structure of the apparatus discussed above.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 4, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herzhoff et al. Claims differ from Herzhoff et al. above with the recitations of liquid cooled roll, a solid state controller and moving the axis of the roller based on a web compensator algorithm. Herzhoff et al. discloses a roller 2, a controller 16 having an electrical circuit (col. 3, lines 35-47) and a procedure for moving an axis of a roller (col. 2, lines 55-68) for the purpose of providing a detection device which mechanically detects local changes in thickness in the web and causes the critical narrow gags in a machine to be briefly widened. It is noted that the specification of the instant application does not provide any evidence of criticality for the liquid cooled roll, a solid state controller or moving the axis of the roller based on a web compensator algorithm. Thus, a liquid cooled roll, a solid state controller and moving the axis of the roller based on a web compensator algorithm would be one

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of numerous obvious variations one of ordinary skill in the art would select for the purpose of providing a detection device which mechanically detects local changes in thickness in the web and causes the critical narrow gags in a machine to be briefly widened in Herzhoff et al.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herzhoff et al. in view of Takai et al. Claims differ from Herzhoff et al. above with the recitation of a plurality of drive sprockets, each drive sprocket mechanically linked to a counteracting device. Takai et al. discloses a plurality of drive sprockets (19, 22), each drive sprocket mechanically linked to a counteracting device for the purpose of providing a false twisting apparatus which improves yarn running speed, generations of fluffs and limiting occurrence of yard breakage. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a plurality of drive sprockets, each drive sprocket mechanically linked to a counteracting device in Herzhoff et al. as taught by Takai et al. for the purpose of providing a false twisting apparatus which improves yarn running speed, generations of fluffs and limiting occurrence of yard breakage.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner

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Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.



cd/dickens  
December 4, 2001

